

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                           |   |                       |
|---------------------------|---|-----------------------|
| JEFFREY R. SMITH,         | ) |                       |
| Plaintiff(s)              | ) |                       |
|                           | ) |                       |
| v.                        | ) | C.A. No. 07-11443-MLW |
|                           | ) |                       |
| RED HAT CAFÉ, INC. et al, | ) |                       |
| Defendant(s)              | ) |                       |

SETTLEMENT ORDER OF DISMISSAL

WOLF, D.J.

The Court having been advised, on November 13, 2008 by the Honorable Morris E. Lasker, the ADR provider, that the above captioned action settled:

It is hereby ORDERED that this action is hereby DISMISSED without prejudice to reconsideration and possible reopening if within 60 days of this Order a motion is filed which represents that the terms of the settlement agreement have not been performed and there is good cause for the non-performing party or parties to have failed to perform.

If no such motion is filed within 60 days of this Order, the case may only be reopened upon a meritorious motion pursuant to Fed. R. Civ. P. 60. See Pratt v. Philbrock, 109 F.3d 18 (1st Cir. 1997).

By the Court:  
Sarah A. Thornton, Clerk

November 14, 2008  
Date

/s/Dennis O'Leary  
Deputy Clerk